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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/601,879	02/15/96	HERTZOG R	30-2004FWC4

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EXAMINER
REAMER, J

ART UNIT PAPER NUMBER
1205

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UNITED STATES DEPARTMENT OF COMMERCE

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PATENTS AND TRADEMARKS

Washington, D.C. 20231

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 63

Application Number: 08/601,879

Filing Date: 15 February 1996

Appellant(s): Hertzog et al

Edward F. Kenehan, Jr.

For Appellant

EXAMINER'S ANSWER

Art Unit:

This is in response to appellant's brief on appeal filed June 30, 1997.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct. The amendment filed on March 7, 1997, paper No. 54, has been entered.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

Art Unit:

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 9-14, 16-18 and 20 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

4,207,264	Anderson et al	6/80
4,358,618	Sifniades et al	11/82
1,202,687	Barilli et al	8/70

(10) *New Prior Art*

No new prior art has been applied in this examiner's answer.

(11) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Art Unit:

Claims 9-14, 16-18 and 20 are rejected under 35 U.S.C. 103 as obvious over Sifniades et al in combination with Anderson et al and Barilli et al. This rejection is set forth in prior Office action, Paper No. 45.

(12) *New Ground of Rejection*

This examiner's answer does not contain any new ground of rejection.

(13) *Response to argument*

Appellants' arguments have been considered but are not deemed persuasive since the instant claims when read in light of the specification are of the same scope as those which were found by the Board of Appeals to be unpatentable over the same references, Paper No. 18. The argument that the rejection based upon the "reasons of record" which pertain only to Sifniades et al and Barilli et al is not based on facts since the references presently cited are the same references which have always been part of the rejection. The allowance of the same claims in another patent does not render the instant claims patentable as well since the claims are read in light of the disclosures of the respective applications. The instant claims are not seen to overlap the claims of the Zakoshansky patent since the disclosures of each application is different.

Art Unit:

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

JHR
12/19/97

Conferred
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